

ASSEMBLY BILL

No. 374

Introduced by Assembly Member Hayashi

February 14, 2011

An act to add Chapter 5.8 (commencing with Section 2697.2) to Division 2 of, and to repeal Section 2697.8 of, the Business and Professions Code, relating to athletic trainers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 374, as introduced, Hayashi. Athletic trainers.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would, commencing January 1, 2013, provide for the licensure and regulation of athletic trainers, as defined, by an Athletic Trainer Licensing Committee, to be established by the bill within the Medical Board of California. Under the bill, the committee would be comprised of 7 members, as specified, appointed by the Governor, subject to Senate confirmation, the Senate Committee on Rules, and the Speaker of the Assembly. The bill would prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee. The bill would require an applicant for licensure to meet certain educational requirements, pass a specified examination, possess emergency cardiac care certification, and submit an application and pay fees established by the committee. The bill would specify that a license shall be valid for 3 years and is subject to renewal upon the completion of specified requirements including the payment of a renewal fee. The bill would define the practice of athletic training and prescribe supervision and other requirements on athletic trainers.

The bill would create the Athletic Trainers Account, within the Contingent Fund of the Medical Board of California, would direct the deposit of the application and renewal fees into this account, and would continuously appropriate those funds to the committee for purposes of the act.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) California is one of only three states that does not currently
3 regulate the practice of athletic training. This continued lack of
4 regulation creates the risk that individuals who have lost or are
5 unable to obtain licensure in another state will come to California
6 to practice, thereby putting the public in danger and degrading the
7 standards of the profession as a whole.

8 (b) There is a pressing and immediate need to regulate the
9 profession of athletic training in order to protect the public health,
10 safety, and welfare. This need is particularly important because
11 athletic trainers often work with schoolage children.

12 SEC. 2. Chapter 5.8 (commencing with Section 2697.2) is
13 added to Division 2 of the Business and Professions Code, to read:

14
15 CHAPTER 5.8. ATHLETIC TRAINERS
16

17 2697.2. This chapter shall be known and may be cited as the
18 Athletic Trainers Practice Act.

19 2697.4. For the purposes of this chapter, the following
20 definitions shall apply:

21 (a) "Athletic trainer" means a person who meets the
22 requirements of this chapter and is licensed by the committee.

23 (b) "Board" means the Medical Board of California.

24 (c) "Committee" means the Athletic Trainer Licensing
25 Committee.

26 2697.6. (a) No person shall engage in the practice of athletic
27 training unless licensed pursuant to this chapter.

28 (b) No person shall use the title "athletic trainer," "licensed
29 athletic trainer," "certified athletic trainer," "athletic trainer
30 certified," "a.t.," "a.t.l.," "c.a.t.," "a.t.c.," or any other variation of

1 these terms, or any other similar terms indicating that the person
2 is an athletic trainer unless that person is licensed pursuant to this
3 chapter.

4 2697.8. (a) There is established an Athletic Trainer Licensing
5 Committee within the Medical Board of California. The committee
6 shall consist of seven members.

7 (b) The seven committee members shall include the following:

8 (1) Four licensed athletic trainers. Initially, the committee shall
9 include four athletic trainers who have satisfied the requirements
10 of subdivision (a) of Section 2697.12 and who will satisfy the
11 remainder of the licensure requirements described in Section
12 2697.12 as soon as it is practically possible.

13 (2) One public member.

14 (3) Two physicians and surgeons licensed by the board or two
15 osteopathic physicians and surgeons licensed by the Osteopathic
16 Medical Board of California, or one of each.

17 (c) Subject to confirmation by the Senate, the Governor shall
18 appoint two of the licensed athletic trainers and the public member.
19 The Senate Committee on Rules and the Speaker of the Assembly
20 shall each appoint a licensed athletic trainer and a physician and
21 surgeon or an osteopathic physician and surgeon as described in
22 paragraph (3) of subdivision (b).

23 (d) (1) All appointments shall be for a term of four years and
24 shall expire on June 30 of the year in which the term expires.
25 Vacancies shall be filled for any unexpired term.

26 (2) Notwithstanding paragraph (1), for initial appointments
27 made on or after January 1, 2013, the public member appointed
28 by the Governor shall serve a term of one year. Two of the athletic
29 trainers appointed by the Senate Committee on Rules and the
30 Speaker of the Assembly shall serve terms of three years, and the
31 remaining members shall serve terms of four years.

32 (e) Each member of the committee shall receive per diem and
33 expenses as provided in Section 103.

34 (f) This section shall remain in effect only until January 1, 2018,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2018, deletes or extends that date. The
37 repeal of this section renders the committee subject to the review
38 required by Article 7.5 (commencing with Section 9147.7) of the
39 Government Code.

1 2697.10. (a) The committee shall adopt, repeal, and amend
2 regulations as may be necessary to enable it to carry into effect
3 the provisions of this chapter. All regulations shall be in accordance
4 with the provisions of this chapter.

5 (b) In promulgating regulations, the committee may consult the
6 professional standards issued by the National Athletic Trainers'
7 Association, the Board of Certification, Inc., or any other nationally
8 recognized professional association.

9 (c) The committee shall approve programs for the education
10 and training of athletic trainers.

11 (d) Protection of the public shall be the highest priority for the
12 committee in exercising its licensing, regulatory, and disciplinary
13 functions. Whenever the protection of the public is inconsistent
14 with other interests sought to be promoted, the protection of the
15 public shall be paramount.

16 2697.12. The committee shall issue an athletic trainer license
17 to an applicant who meets all of the following requirements:

18 (a) Has submitted an application developed by the committee
19 that includes evidence that the applicant has done either of the
20 following:

21 (1) Graduated from a college or university after completing an
22 athletic training education program approved by the committee
23 and accredited by the Commission on Accreditation of Athletic
24 Training Education or its predecessors or successors.

25 (2) Completed certification eligibility requirements for an
26 athletic training certification program approved by the committee
27 and available through the Board of Certification, Inc., its
28 predecessors or successors, or another other nationally recognized
29 and accredited athletic training certification agency.

30 (b) Has passed an examination approved by the committee, such
31 as the examination offered by the Board of Certification, Inc., its
32 predecessors or successors, or another examination offered by
33 another nationally recognized and accredited athletic training
34 certification agency.

35 (c) Possesses an emergency cardiac care certification from a
36 certification body, approved by the committee, that adheres to the
37 most current international guidelines for cardiopulmonary
38 resuscitation and emergency cardiac care.

39 (d) Has paid the application fee established by the committee.

1 2697.14. A license issued by the committee pursuant to Section
2 2697.12 shall be valid for three years and thereafter shall be subject
3 to the renewal requirements described in Sections 2697.16 and
4 2697.18.

5 2697.16. The committee shall establish license application and
6 renewal fees in an amount sufficient to cover the reasonable
7 regulatory costs of carrying out the provisions of this chapter.

8 2697.18. The committee shall renew a license if an applicant
9 meets all of the following requirements:

10 (a) Pays the renewal fee as established by the committee.

11 (b) Submits proof of satisfactory completion of continuing
12 education, as determined by the committee.

13 (c) Submits proof of current emergency cardiac care certification
14 meeting the requirements of subdivision (c) of Section 2697.12.

15 (d) Demonstrates that his or her license is otherwise in good
16 standing including, if applicable, that the applicant for renewal
17 satisfies the requirements described in paragraph (2) of subdivision
18 (a) of Section 2697.12.

19 2697.20. (a) The practice of athletic training is the professional
20 treatment of a patient for risk management and injury prevention,
21 the clinical evaluation and assessment of a patient for an injury or
22 illness or both, the immediate care and treatment of a patient for
23 an injury or illness or both, and the rehabilitation and
24 reconditioning of a patient's injury or illness or both.

25 (b) An athletic trainer shall render treatment under the direction
26 of a physician and surgeon licensed by the board or an osteopathic
27 physician and surgeon licensed by the Osteopathic Medical Board
28 of California who shall order and oversee the athletic trainer and
29 shall be responsible for the athletic training activities performed
30 by the athletic trainer. This direction shall be provided by verbal
31 order when the directing physician and surgeon or osteopathic
32 physician and surgeon is present and by written order or by athletic
33 training treatment plans or protocols, to be established by the
34 physician and surgeon, when the directing physician and surgeon
35 or osteopathic physician and surgeon is not present.

36 (c) Notwithstanding any other provisions of law and consistent
37 with the provisions of this chapter, the committee may establish
38 other alternative mechanisms for the adequate supervision of an
39 athletic trainer.

(d) No licensee shall provide, offer to provide, or represent that he or she is qualified to provide any treatment that he or she is not qualified to perform by his or her education, training, or experience or that he or she is otherwise prohibited by law from performing

2697.22. The requirements of this chapter do not apply to an athletic trainer licensed in another state who is in California for a limited time to engage in the practice of athletic training for, among other things, an athletic or sport event.

2697.24. Nothing in this chapter shall be construed to limit, impair, or otherwise apply to the practice of any person licensed and regulated under any other chapter of Division 2 (commencing with Section 500).

2697.26. The committee may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon an athletic trainer's license after a hearing for unprofessional conduct that includes, but is not limited to, a violation of this chapter or the regulations adopted by the committee pursuant to this chapter.

2697.28. There is established in the Contingent Fund of the Medical Board of California the Athletic Trainers Account. All fees collected pursuant to this chapter shall be paid into the account. Notwithstanding Section 13340 of the Government Code, funds in the account shall be continuously appropriated to the committee for the regulatory purpose of carrying out the provisions of this chapter.

2697.30. This chapter shall become operative on January 1, 2013.